

BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

February 6, 2003

A meeting of the Board of Environmental Protection was held on Thursday, February 6, 2003, at the Holiday Inn / Ground Round facility in Augusta, Maine. Richard Wardwell, Chair, called the meeting to order at 11:00 a.m. with the following individuals present:

Board: Ernest Hilton, Katharine Littlefield, Richard Wardwell, Nancy Ziegler, Jean T. Wilkinson and John Tewhey

Absent: John Marsh, Melford Pelletier, Irving Faunce and Virginia Plummer

<u>Staff:</u>	<u>Bureau of Remediation and Waste Management</u>	Mike Parker
	<u>Bureau of Remediation and Waste Management</u>	David Burns

Others: Brooke E. Barnes, Acting Commissioner
Dennis Harnish, Assistant Attorney General
Cynthia S. Bertocci, Executive Analyst
Terry Hanson, Administrative Assistant

(Meeting adjourned at approximately 12:30 p.m.)

I. DEPARTMENTAL

A. COMMISSIONER'S CORNER: Acting Commissioner Barnes reported the following:

Budget: Supplemental Budget for FY03 was passed by the full legislature. This budget approval represents \$316 thousand in cuts to dedicated accounts and \$34 thousand in cuts to the general fund. It is expected that April will yield more bad news for our budget circumstances.

FY 04/05: DEP will flat fund for the biennium which represents a \$1 million reduction in each year. During this round of budget cuts, the Department eliminated one vacant position and will lay-off two people. The DEP has also moved some staff positions to other funding sources to meet the required cuts to our budget in the general fund. The DEP will scale back in operational areas such as travel, and public education and outreach. Program elimination is not being considered at this point.

DEP Commissioner Confirmation: The Joint Standing Committee on Natural Resources will hold a confirmation hearing for Dawn Gallagher today. It is expected that the Senate will consider Dawn's appointment within the next couple of weeks.

Oyster River Rifle Range Update: Mike Parker, Bureau of Remediation and Waste Management, gave a status report on the progress regarding action at the beneficial re-use site in Warren (Oyster River Rifle Range). A working group consisting of DEP, Warren Planning Board, Warren Selectman, and Warren Legal Council conducts weekly meetings to further the progress on a resolution for this site.

- Future Development: There are currently three parties interested in the site; 2 are landscape companies and one is Ferraiolo Construction. Ferraiolo Construction is interested in the site for development of a business park. All interested parties have access to resources to complete cover on the berms. The Department is waiting to review the development plans of these interested parties. Once the plans are available, the Department and working group will review and discuss merits of each of the plan. DEP is looking for a plan that will fit well within the existing conditions of the current permit.
- Court Action: The lawsuits are ongoing. As a result of the pending court action between the parties, a complete GPS map of the waste at this site has been developed. The mapping was performed by E-Pro on behalf of Camden National Bank for use as a submittal document for the court action. The amount of exposed material at this site is 224 thousand cubic yards.

Waste Management Disposal Services Landfill Update: Mike Parker provided the Board with an update regarding the status of work at the Norridgewock Landfill Phase 8 project.

- Construction has begun. Portions of some of the perimeter berms have been completed. Some wick drains, the central leachate pump system, and the active gas collection system have been installed.
- Liner construction will begin the spring/summer. Relocation of solid waste will begin in the fall of 2003. No odor issues or complaints to date. Monitoring readings are below 1ppb over the 3 month period.

- Communications: Construction meetings are held weekly and Former intervenors have been invited to attend. Mr. Sirois and Mr. Fredricks have each attended one of these meetings. S.W. Cole is the Department's third party inspector and attends all meetings related to this project. The Department will develop a request for proposal (RFP) in 2003 to hire a 3rd party data coordinator/communicator to ensure that all data is assembled, reviewed in a timely manner, and appropriately communicated to responsible construction contractors and company personnel pursuant to the special condition of the permit.

B. CHAIRMAN'S COMMENTS: None

C. EXECUTIVE ANALYST COMMENTS: Aquaculture: The Presiding Officer is considering requests to strike testimony. There is the potential for an appeal of this ruling to the entire Board. Any such appeal would be heard prior to the start of the public hearing on Tuesday, February 11, 2003 at 8:30am.

D. BOARD CALENDAR: Reviewed

E. DEPARTMENTAL ORDERS: Reviewed

F. EXECUTIVE SESSION: None

II CONSENT AGENDA ITEMS

The Board voted (6-0-0-4) on a motion to approve consent agenda items 1, 2, and 3 as presented.

1. BEP MINUTES, November 21, 2002 – approval
2. BEP MINUTES, December 5, 2002 – approval
3. BEP MINUTES, December 19, 2002 – approval

The Board voted (6-0-0-4) on a motion to approve consent agenda items 4, 5, 7, 8, 9, and 10 as presented.

4. TOWN OF READFIELD, Readfield – Administrative Consent Agreement and Enforcement Order (BRWM)
5. DOVER & FOXCROFT WATER DISTRICT, Dover-Foxcroft – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
- ~~6. JOHN HOLMES and BELFAST BOATYARD, Belfast – Administrative Consent Agreement and Enforcement Order (BLWQ-Land). No Vote taken --- this item withdrawn from consideration.~~
7. LAWRENCE A. BOND, JR., Dresden – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
8. EASTBROOK TIMBER CO., INC., Hollis – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
9. THOMAS FOSTER, Belgrade – Administrative Consent Agreement (BLWQ-Land)
10. TOWN OF PARIS, Paris – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)

III. Regular Agenda

1. CHAPTER 315, ASSESSING AND MITIGATING IMPACTS TO EXISTING SCENIC AND AESTHETIC USES / NEW (post to public hearing)

The Board voted (6-0-0-4) on a motion to post new Chapter 315, Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses to public hearing on Thursday, March 20, 2003 at a time to be determined by Board staff. This rule was posted with the following modifications:

Section 7: Mitigation ~~may~~ should reduce or eliminate...

Section 4.G and 9: ...visited by the general public ~~for~~, in part with the ~~express~~ purpose of enjoying its visual quality.

The vote was taken pursuant to 38 M.R.S.A. Section 341 and 480 A-Z et. seq.. Board members John Tewhey, Richard Wardwell, Ernest Hilton, Katharine Littlefield, Jean T. Wilkinson and Nancy Ziegler voted to support the motion. Board members John Marsh, Virginia Plummer, Melford Pelletier and Irving Faunce were absent.

Public Hearing:

6:00 p.m. public hearing in the matter of:

Draft General Permit – Finfish Aquaculture

Machias Motor Inn – Conference Center, 26 E. Main Street, Machias